

APPROVED MINUTES of the Regular
Meeting of the City Council of the City of Rye
held in City Hall on February 1, 2017, at 7:30
P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

TERRENCE McCARTNEY, Councilmember

The Council convened at 6:30 P.M. for a Workshop on Capital Projects, which ended promptly at 7:30. The regular meeting convened at 7:35 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. General Announcements.

Councilwoman Tagger-Epstein congratulated the Sustainability Committee for its recent event on “going organic” with local landscapers. She looks forward to many more Sustainability Committee events, including a showing of the documentary, “Minimalism” at Rye Country Day School on Friday, February 3, 2017 at 6:00 P.M. Information can be found on the Sustainability Committee’s website.

Councilwoman Killian stated that there will be a NARCAN training at St. Vincent’s Hospital on February 15, 2017 in Harrison from 10-12:00 A.M.

Councilwoman Bucci announced that the enrollment packages have been sent out to the Rye Golf Club members for the upcoming season. The early bird signups end on March 15, 2017.

Councilwoman Hurd thanked Councilwoman Killian for attending the Rye Chamber of Commerce earlier on February 1, 2017 and for presenting on Rye ACT. Councilwoman Hurd reminded parents to submit their kindergarten enrollment. Councilwoman Killian

added that she was impressed with the participation from the merchants at the Chamber of Commerce meeting. She said she was pleased to discuss the Rye ACT program. Councilwoman Hurd then stated that on the United Hospital site development, there will be a traffic workshop on Tuesday, February 6, 2017 in Port Chester at Village Hall.

4. Issues Update/Old Business.

Councilwoman Killian stated she and City Manager Serrano had visited the Dearborn Avenue Seawall. City Manager Serrano stated that City Engineer Coyne was finalizing the numbers and plans to repair the wall as soon as possible.

5. Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new Article IV "Placement of Permanent Facilities in the Rights of Way", Sections §167-66 through §167-71, to regulate placement of devices in the right of way; and (c) local law Chapter 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing.

Corporation Counsel Wilson stated that the purpose of the proposed code amendments were to update the code to comply with federal standards concerning telecommunications and to best protect the City of Rye in the future. She said that the public hearing will likely remain open for several meetings.

Councilwoman Hurd stated that she felt that amendments were not needed to the current code. She said that she had reviewed previous minutes, she stated that a business called MetroCom was present at introduction to Chapter 196. She stated that she felt the current code would handle the application before the Council from Crown Castle.

Mr. Robert Zahm, 7 Ridgewood Drive, addressed the Council. He asked the Council to consider banning poles in the sidewalk area, consider height requirements, equipment restrictions, etc.

Charles Hyman, 95 Dogwood Lane, addressed the Council. He stated that he opposed the application and expressed concern over health effects.

Councilwoman Tagger-Epstein asked Corporation Counsel Wilson to clarify if the amendments would be necessary, regardless of what happens with Crown Castle. Corporation Counsel Wilson responded that it was important to recognize changes in

technology and prepare for the future. Councilwoman Tagger-Epstein explained that what is before the Council is merely a draft.

Trisha Agosta, 4 Ridgewood Drive, addressed the Council. She stated that she felt there were definitions missing from the law and worried about the future.

Callie Erickson, 190 Locust Avenue, addressed the Council. She referenced a letter from Greenwood Union Cemetery offering to host a slick stick.

Carolyn Cunningham, 18 Soundview Avenue, commented on the original language of Chapter 196, stating that she felt it protected the City as written.

Ben Stacks, 15 Sonn Drive, stated that he felt the proposed amendments did not adequately protect the City.

Lia Laurino, 34 Oakland Beach Avenue, addressed the Council. She stated that she felt concerned over the health implications.

Katherine Ernest, 5 Halls Lane, asked that the 25 foot limit be reduced.

Sam Burruano, Rye resident, stated that residents did not want the law changed.

Michael Zarin, Zarin & Steinmetz, on behalf of the “residents group” addressed the Council. He thanked the Council for circulating the amendments. He was interested to find out what part of the current Chapter 196 was “illegal.” There was discussion about underground facilities. He also stated that he felt that there were certain definitions were missing. He discussed the language on least intrusive means in Chapter 196-5(d)(2). He then discussed locations of the nodes within the Code. He then talked about the height and distance requirements, and exempt activities from zoning approval. He also discussed prior poles to the regulations and felt that they should also be addressed. Mr. Zarin also talked about the Greenburgh litigation with Crown Castle, in which Crown Castle prevailed. He stated he felt that there were no similarities between that case and the current situation in Rye. He also generally discussed the right-of-way agreement with relation to Chapter 196 as currently written and as proposed. There was comment at length about policy and Mr. Van Eaton’s prior comments.

Councilman Mecca asked if there were DAS systems in Greenburgh after its litigation. Mr. Zarin responded that there was, because Greenburgh had applied the wrong methodology to DAS nodes.

Mayor Sack stated that the Council was doing its best to protect the residents and lessen unfortunate future impacts on the community by considering the code and the right-of-way agreement.

6. Consideration to set a Public Hearing for February 15, 2017 to amend local law Chapter 144, “Peddling and Soliciting”, of the Rye City Code by amending Section

§144-8, "Restrictions", Subsections (D) and (G) to give the City Council authorization to waive the authorized time restrictions and location of peddlers/solicitors in a public place.

City Manager Serrano explained that this amendment was meant to address Rye's annual Food Truck Festival. Mayor Sack recommended the law be limited in application to any Recreation or School sponsored events.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to set a Public Hearing for February 15, 2017 to amend local law Chapter 144, "Peddling and Soliciting", of the Rye City Code by amending Section §144-8, "Restrictions", Subsections (D) and (G) to give the City Council authorization to waive the authorized time restrictions and location of peddlers/solicitors in a public place.

7. Residents may be heard on matters for Council consideration that do not appear on the agenda.

Ted L'Estrange, 6 Geoffrey Court, Otisville, New York, discussed forced organ harvesting in China.

8. Resolution to amend the Administrative Pay Plan.
Roll Call.

City Manager Serrano explained that titles were adjusted within the pay grades. Secondly, he explained that this resolution would allow the Administrative Pay Group to be able to be compensated for up to ten unused vacation days per year.

Councilman Mecca made a motion, seconded by Councilwoman Bucci, to adopt the following resolution:

RESOLVED, that the City of Rye Administrative Pay Plan be amended to reflect an increase to ten (10) days' vacation payout compensation, and the creation of the Public Safety Commissioner position within the Administrative Pay Group Grade A1, inclusion of the title of Assistant Planner to Grade B, and inclusion of Assistant Greenskeeper to Grade C.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, Mecca and Tagger-Epstein
NAYS: None
ABSENT: Councilman McCartney

9. Authorize payment of the balance of the 2016/2017 Rye Neck Union Free School District taxes collected by the City to the School District.

Roll Call.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca, that the City pay the balance of the 2016/2017 Rye Neck Union Free School District taxes collected by the City to the School District, amounting to \$217,325.71.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, Mecca and Tagger-Epstein
NAYS: None
ABSENT: Councilman McCartney

10. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, May 13, 2017 from 9:00 a.m. to 10:15 a.m.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, May 13, 2017 from 9:00 a.m. to 10:15 a.m.

11. One appointment to the Traffic and Pedestrian Safety Committee for a three-year term, by the Mayor with Council approval.

Mayor Sack made a motion, unanimously carried by the Council to appoint Susan van Dijk to the Traffic and Pedestrian Safety Committee for a three-year term ending January 1, 2020.

12. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

13. New Business.

There was nothing discussed under this agenda item.

14. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Killian, to adjourn the regular meeting of the City Council at 9:50 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk